

Memorandum

To: Air Permit Managers

Cc: Chuck Turner, Frank Burbank

From: John Reinhardt, Title V Coordinator

Subject: Title V Template Changes: Titles and Language Update

Date: July 08, 2003

Introduction

This memo is being written to inform the permit writers of changes that have been made to the Article 1, Federal Operating Permit and Statement of Basis templates. These changes should be included in all Title V permits that have not been public noticed and in pending and issued Title V permits when reopened, amended, modified or renewed.

The new templates are attached and can also be found on DEQNET2 @ the following:

Document&Forms\air\air_permitting>manuals\Title5_Manual\revised_titleV_BP_070803

Document&Forms\air\air_permitting>manuals\Title5_Manual\revised_titleV_SOB_070803

The title, first sentence and first paragraph of the Article 1, Federal Operating Permit and Article 3 Federal Operating Permit will be changed. The permit and first paragraph are as follows:

[DEQ Letterhead]

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

And

[DEQ Letterhead]

Federal Operating Permit Article 3, Acid Rain Operating Permit

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 3 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-360 through 9 VAC 5-80-700 and [9 VAC 5-140-10 through 9 VAC 5-140-900 **applies to only NOx trading units**] of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

The following changes are corrections and improvements to the Article 1, Federal Operating Permit templates. The following changes have not been made to the Article 3, Federal Operating Permit. The pervious language is in strikeout font. The new language is in bold font. The new templates are attached. Corrections can be made by coping and pasting from the attachments.

On page 2 the “~~AIRS~~ Identification Number” is being change to the “**AFS** Identification Number”.

AFS ID

General Conditions Changes

Condition B. Permit Expiration:

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. ~~Unless a timely and complete renewal application consistent with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility~~ **the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80,** the right of the facility to operate shall be terminated upon permit expiration.

Condition E. Permit Deviation Reporting: The comma after “business hours” in the first sentence of this condition is being deleted.

The permittee shall notify the Director, XXX Region within four daytime business hours ~~(removed comma here)~~ after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation.

Condition F. Failure/Malfunction Reporting:

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, XXXX Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within ~~two weeks~~ **14 days of discovery** provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, XXX Region.
[(9 VAC 5-20-180 C)]

1. [The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.
2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
 - a.
 - b.
 - c.

3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
4. All **malfunctions** of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C ~~must make~~ **require** written reports within 14 days of the **discovery of the malfunction occurrence.**]

Condition Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions ~~Statements~~ **Standards** for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

STATEMENT OF BASIS CHANGES

GENERAL CONDITIONS: The introduction to general conditions is being changed as follows.

The ~~AIR~~ ID. No. is being changed to the **AFS** ID. No.

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that ~~applies~~ **apply** to all Federal ~~Operating~~ **operating** permit sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

B. Permit Expiration: The section symbols (§) are being added to the condition below.

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.1-20.01:2 and §10.1-1185 of the *Code of Virginia*, and the "Department of Environmental Quality Agency Policy Statement NO. 3-2001".

[This general conditions **condition** cites the entire Article that ~~follow~~ **follows**:

Article 1 (9 VAC 5-80-50 et seq.), Part II of 9 VAC 5 Chapter 80. Federal **Operating** Permits for Stationary Sources]

[This general condition cites the sections that follow:

9 VAC 5-80-80. Application

9 VAC 5-80-140. Permit Shield

9 VAC 5-80-150. Action on Permit Applications]

F. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and ~~excesses~~ **excess** emissions reporting within ~~4~~ **four hours of discovery**. Section 9 VAC 5-80-250 of the **Title V regulations** also requires malfunction reporting; however, reporting is required within ~~2~~ **two** days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to ~~9 VAC 5-20-180 this section~~ including Title ~~5~~ **V** facilities. ~~Section 9 VAC 5-80-250 is from the Title 5 V regulations.~~ Title ~~5~~ **V** facilities are subject to both ~~Sections~~ **sections**. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within ~~4~~ **four day time business hours after discovery** of the malfunction.

This comment is being reformatted to indicate that it can be removed prior to permit issuance.

[Comment: In order for emission units to be relieved from the requirement to make a written report in 14 days the emission units must have continuous monitors and the continuous monitors must meet the requirements of 9 VAC 5-50-410 or 9 VAC 5-40-41.]

[This general condition cites the sections that follow:

9 VAC 5-40-41. Emissions Monitoring Procedures for ~~Exists~~ **Existing** Sources

9 VAC 5-40-50. Notification, Records and Reporting

9 VAC 5-50-50. Notification, Records and Reporting]

[This general condition contains a citation from the Code of Federal Regulations as follows:

~~F.2.a.~~ 40 CFR 60.13 (h). Monitoring Requirements.]

J. Permit Modification

This general condition cites the sections that follow:

9 VAC 5-80-50. Applicability, Federal Operating Permit For Stationary Sources

9 VAC 5-80-190. Changes to Permits.

9 VAC 5-80-260. Enforcement.

9 VAC 5-80-1100. Applicability, Permits For New and Modified Stationary Sources

9 VAC 5-80-1790. Applicability, Permits For Major Stationary Sources and Modifications ~~Located~~ **Locating** in Prevention of Significant Deterioration Areas

9 VAC 5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas]

U. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in ~~section~~ **sections** 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition U and General Condition F. For further explanation see the comments on ~~general condition~~ **General Condition F**.

[This general condition cites the sections that follow:

9 VAC 5-20-180. Facility and Control Equipment Maintenance or Malfunction

9 VAC 5-80-110. Permit Content]

Y. Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 ~~subpart~~ **Subpart M**, National Emission Standards for Asbestos.

[This general condition contains a citation from the Code of Federal Regulations that follow:
40 CFR 61.145, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to demolition and renovation.
40 CFR 61.148, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to insulating materials.
40 CFR 61.150, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to waste disposal.]

[This general condition cites the regulatory sections that follow:
9 VAC 5-60-70. Designated Emissions Standards
9 VAC 5-80-110. Permit Content]

The updated Statement of Basis and Article 1, Federal Operating Permit templates are attached and can be found on DEQNET2.